

AGENDA FOR
MONTGOMERY TOWNSHIP COMMITTEE MEETING
October 21, 2021
7:00 p.m.

It is the Township Committee's intention to conclude this meeting no later than 11:00 p.m.

ROLL CALL - Keenan (), Schuldiner (), Huang (), Bell (), Singh ()

ALSO PRESENT - Rubinstein (), Nieman (), Melville (), Kukla ()

MAYOR'S STATEMENT - Under the provisions of the Open Public Meetings Act, notice of the time and place of this meeting has been posted and sent to the officially designated newspapers. This meeting is being held virtually by webcast and simulcast on Comcast Cable Channel 29.

SALUTE TO THE FLAG

1. DIWALI PROCLAMATION

WHEREAS, Diwali or Deepavali, is celebrated in autumn of each year by Hindus, Sikhs, Jains, Buddhist, and others throughout the United States and around the world; and

WHEREAS, Diwali is celebrated by lighting the *Diya*, or oil lamp, which symbolizes dispelling darkness and bringing light into life with traditional offerings, rituals, and festivals; and

WHEREAS, Diwali is a festival of lights that includes many traditions such as gathering with friends and family for community prayer, exchanging gifts, setting off fireworks, and decorating houses with colorful rangolis; and

WHEREAS, Diwali is also the Hindu New Year, and it is celebrated on the last day of the last month in the lunar calendar; and

WHEREAS, for Hindus, Diwali is celebration of good triumphing over evil, and that light will prevail over darkness; and

WHEREAS, for Sikhs, Diwali is the day on which the sixth founding Sikh guru, Guru Hargobind, was released from confinement by the Mughal Emperor Jehangir; and

WHEREAS, for Jains, Diwali symbolizes Lord Mahavira attainment of Nirvana; and

WHEREAS, for Buddhists, Diwali represents the day Emperor Ashoka chose the peaceful path of Buddhism over destruction and carnage; and

WHEREAS, diversity represents one of our greatest strengths and we join with all those around the world celebrating Diwali.

NOW, THEREFORE, BE IT RESOLVED that the Montgomery Township Committee does hereby recognize that Diwali will be celebrated this year on November 4, 2021 in the Township of Montgomery, and we call this observance to the attention of all our residents.

2. COVID-19 UPDATE - Devangi Patel

3. PUBLIC COMMENT

To make a public comment, participants may comment by utilizing the "Raise Your Hand" feature in Zoom. For members of the public participating by phone, you may "Raise Your Hand" by dialing *9

Members of the public may also submit comments in advance of any meeting by sending an email to: publiccomment@twp.montgomery.nj.us or by written letterform, delivered to the Montgomery Township Municipal Building, 2261 Route 206, Belle Mead, New Jersey 08502. All advance comments must be received by 4:00 p.m. the day of the scheduled meeting and will be read by the Township Clerk during the public comment portion of the meeting.

We respectfully ask members of the public to limit your comments to approximately three (3) spoken minutes. Additionally, if your comments are similar to comments already made, instead of repeating them at length, we ask that you instead indicate that you join in or support those comments previously made.

4. **CONSENT AGENDA** - All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any Township Committeeperson may request that an item be removed for separate consideration.

A. **RESOLUTION #21-10-247 - REFUND OVERPAID 2021 TAXES**

BE IT RESOLVED that a refund in the amount of \$5,964.12 be refunded to Jun Lu & Hongmei Ji, 29-H Chicopee Drive, Princeton, NJ 08540 for the overpayment of 2021 taxes on Block 37002 Lot 1.047.

B. **RESOLUTION #21-10-248 - GRANTING TAX EXEMPTION FOR A TOTALLY DISABLED VETERAN**

WHEREAS, Brian Nethery, who resides at and is the owner of certain real estate in the Township of Montgomery, County of Somerset, State of New Jersey known as Block 34004, Lot 6 located at 29 Cherry Brook Drive in Princeton, was deemed a 100%, totally and permanently disabled veteran in accordance with the provisions of N.J.S.A 54:4-3.30; and

WHEREAS, Brian Nethery made the appropriate claim for tax exemption thru the Somerset County Assessor's Office as a 100% totally and permanently disabled veteran and was approved effective October 1, 2021; and

WHEREAS, the Department of Veterans Affairs has confirmed this information by way of a letter dated October 5, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery that the property known as 29 Cherry Brook Drive, Block 34004, Lot 6, Princeton, New Jersey is hereby designated as a tax exempt property and therefore all property taxes on said property from October 1, 2021 forward are hereby cancelled.

BE IT FURTHER RESOLVED that a properly executed copy of this resolution be forwarded to the Tax Collector, CFO, and Tax Assessor for their records.

C. **RESOLUTION #21-10-249 - AUTHORIZING TEMPORARY USE AGREEMENT - 1060 Route 206**

WHEREAS, the Economic Development Committee (EDC) is a sub-committee of the Township Committee; and

WHEREAS, EDC is planning a Return to Arts Venue at 1060 Route 206 on Tuesday, October 19 through Monday, October 25, 2021.

NOW, THEREFORE BE IT RESOLVED by the Montgomery Township Committee that Township Administrator Donato Nieman is authorized to execute a Temporary Use Agreement between Hilton Management LLC and Montgomery Township.

D. **RESOLUTION #21-10-250 - EXTENSION OF TIME FOR THE COMPLETION OF VARIOUS DEVELOPMENT PROJECTS**

WHEREAS, Gail Smith, Township Engineer, has certified on October 12, 2021 that adequate funds remain in the posted guarantees to cover the remaining public improvements in the following developments and therefore recommends time extensions to complete said improvements.

<u>Development</u>	<u>New Completion Date</u>
71 Colfax Road Safety & Stabilization	11/05/2022
Rollins-Western Real Estate Holdings	11/07/2022
Montgomery Promenade Temporary Parking	11/14/2022
159 Dutchtown-Harlingen Road - Landscaping	11/27/2022
Montgomery Ridge Phase 2 Townhouse Site Work	12/03/2022
Montgomery Ridge Phase 3 Townhouse Site Work and Additional Parking Spaces	12/03/2022
Tapestry at Montgomery Restoration Temporary Trailer	12/31/2022

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Singh				
Bell				
Huang				
Schuldiner				
Keenan				

5. **RESOLUTION #21-10-251 - PROFESSIONAL SERVICES RESOLUTION** - Stage II Wastewater Treatment Plant Flood Protection Project Proposal for Construction Administration Services - Kleinfelder

WHEREAS, the Township of Montgomery seeks to retain the services of professional engineering firm to provide construction administrative services during the construction of the Stage II Wastewater Treatment Plant Flood Protection Project; and

WHEREAS, the Township has a need to acquire these services without a "fair and open process" as defined in P.L. 2004, c. 19, the "Local Unit Pay-To-Play Law", and Kleinfelder has competed and filed with the Township a Campaign Contributions Affidavit as required by N.J.S.A 19:44A-20.2 et seq. certifying that Kleinfelder has not made any prohibited contributions to a candidate committee or municipal committee representing the elected officials of the Township, along with a Certification Regarding Political Contributions as required by N.J.S.A 19:44-20.26 and an Affidavit Prerequisite to Execution of Agreement Exempt from Public Bidding and in Excess of \$17,500.00 as required by Subsection 2-22.2 of the Code of the Township of Montgomery (1984) (collectively "Pay-To-Play Forms"); and

WHEREAS, the firm of Kleinfelder has submitted a proposal dated October 8, 2021 to provide the sought-after services to the Township for the lump sum cost of \$1,143,500.00; and

WHEREAS, the New Jersey Local Public Contracts Law N.J.S.A. 40A:11-1 et seq authorizes the award of a contract as "professional services" without competitive bidding; and

WHEREAS, the Chief Financial Officer has provided a certification that sufficient funds are available for payment of this contract under Account # 08-215-55-901-1661A.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Montgomery as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with Kleinfelder to provide professional engineering services during the construction of the Stage II Wastewater Treatment Plant Flood Protection Project.
2. Kleinfelder shall be paid a total lump sum fee of \$1,143,500.00 for its professional services. The contract amount may be amended by change order, as permitted by law.
3. A copy of this Resolution, the Certification of Contract Value, the October 8, 2021 proposal, the Pay-To-Play Forms and the agreement shall be placed on file in the Office of the Township Clerk, and shall be available for public inspection
4. A notice of this action shall be published in the official newspaper as required by law.

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Singh				
Bell				
Huang				
Schuldiner				
Keenan				

6. **ORDINANCE #21-1670 - Anti-Nepotism Policy - Introduction**

A. Title: AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, OF THE CODE OF THE TOWNSHIP OF MONTGOMERY BY ADOPTING §2-38 ENTITLED "ANTI-NEPOTISM POLICY"

B. BE IT RESOLVED by the Township Committee of the Township of Montgomery that the foregoing ordinance be hereby passed on first reading and that the same be published in an official newspaper as required by law together with a Notice of Pending Ordinance fixing November 4, 2021 at approximately 7:00 p.m. as the date and time when said ordinance will be further considered for final adoption.

Motion _____ Second _____

ROLL CALL VOTE:

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Singh				
Bell				
Huang				
Schuldiner				
Keenan				

7. **APPROVAL OF MINUTES**

If there are no corrections, the Regular Session minutes for October 7 stand approved.

Motion _____ Second _____ Favor _____ Opposed _____ Abstain _____

8. **PAYMENT OF BILLS - Posted**

WHEREAS, the Township Committee of the Township of Montgomery has received bills to be paid as listed; and

WHEREAS, the Chief Financial Officer and the Township Administrator have reviewed these bills and have certified that these bills represent goods and/or services received by the Township, that these are authorized and budgeted expenditures and that sufficient funds are available to pay these bills.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery as follows:

1. That these bills are hereby authorized for payment; and
2. That checks in the proper amounts are prepared and that necessary bookkeeping entries are made; and
3. That the proper Township Officials are authorized to sign the checks.

Motion _____ Second _____

ROLL CALL VOTE :

COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
Singh				
Bell				
Huang				
Schuldiner				
Keenan				

COMMITTEE CORRESPONDENCE

Catherine A Lugg
Lori Huff
Dan Smith

NEW & UNFINISHED BUSINESS

Reminder - Shred Day is October 23 at Montgomery High School

ADMINISTRATOR'S REPORT

COMMITTEE REPORTS

November 4 TENTATIVE AGENDA

Approval of Procurement Policy
Endorsing Board of Health Appointment of Devangi Patel as Health Officer
New Township Website Discussion
Historic Cemetery Grant Program Ordinance
Park Facility Rental Fees Ordinance
Ord. #21-1670 - Anti-Nepotism Policy - Public Hearing

UPCOMING MEETINGS

9. **RESOLUTION TO CLOSE MEETING TO THE PUBLIC**

BE IT RESOLVED by the Township Committee of the Township of Montgomery in Somerset County, New Jersey as follows:

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.
2. The general nature of the subject to be discussed in this session is as follows:
 - Potential acquisition of property (Block 11002, Lot 37 - Harcarik) for open space, conservation, recreation.
3. It is unknown precisely when the matter discussed in this session will be disclosed to the public. Agreements and acquisition of land shall only be authorized by the Township Committee in a public session.

Motion _____ Second _____ Favor _____ Opposed _____ Abstain _____

ADJOURNMENT at _____ p.m. Motion _____ Second _____ Favor _____ Opposed _____